

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**March 3-7, 2003**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
3-4	OPP (SJ)	119,852	Inter-payment Services Ltd. <i>and</i> Travelex Global and Financial Services Ltd. v. Doctors & Thiede	Cissel Hairston Rogers [Opinion "By the Board" (Dunn)]	2(e)(1)	Opposition Sustained [opposer's motion for summary judgment granted]		design mark consisting of a symbol identical to or substantially similar to the symbol for the euro, the common European currency [computer software for use in on-line financial transactions; computer hardware and software that disperses and creates digital cash; magnetically encoded credit and debit cards; art prints and publications, namely, magazines in the field of finance; on-line financial transaction services, namely, electronic cash transactions, electronic credit card transactions, and electronic debit transactions]			Yes
3-4	EX	76/092,271	Pro Select, Inc.	Hanak Hairston* Drost	2(d)	Refusal Affirmed		"TRIUMPH" [golf clubs, golf club shafts, golf club head covers, golf balls and golf tees]	"TRIUMPH" [softballs and tennis rackets]	Feldman	No
3-5	EX	75/932,300	Keith Berry	Seeherman Hanak* Hohein	2(e)(1)	Refusal Affirmed as to both classes of services		"PetRx.com" [retail services featuring pet pharmacy products via the global computer network; providing an on-line computer database in the field of pets]		Ayala	No

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3-5	CANC CANC CANC	30,339 30,519 30,370	R. E. Whittaker Co., Inc. v. Crystal Magic, Inc.	Hanak* Quinn Holtzman	2(d)	Petition to Cancel Granted in all three cases	"CRYSTAL DRY" [carpet cleaning compound for commercial and/or industrial carpet cleaning]	"CRYSTAL MAGIC" [carpet cleaning preparations, namely, cleaners for removing spots on carpets and carpet extraction cleaners]; "CRYSTALLINE" [dry cleaning fluids for cleaning carpets]; "CRYSTAL-EX" [chemical preparations for extracting moisture from carpets]			No
3-5	EX	75/566,613	Iyer Shankar	Cissel Hanak* Hairston	2(d)	Refusal Affirmed as to both classes of services		"SMILE USA" [conducting seminars for education and training in the dental field; providing dental care services]	2 cited registrations, both owned by the same entity: "SMILE AMERICA" and "SMILE AMERICA" (in stylized form) [both marks registered for dental care services]	Lincoski	No
3-5	EX	75/691,990	Sunrise MFG., Inc.	Quinn Hairston Drost*	2(e)(1)	Refusal Affirmed		"AIR SAK" [dunnage devices, namely, devices formed from reinforced paper with reinforced pneumatically expansible bladders to prevent load shifting]		Hayash	No
3-5	EX	75/793,268	Fowler Engineering Co., Inc.	Cissel Bottorff Rogers*	2(e)(1)	Refusal Affirmed		"AUGERROD GROUNDING SYSTEM" [multi-helix grounding electrodes, conductors, busses sold as a unit to bleed electrical charges to the earth]		Zak	No

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3-6	EX	76/317,631	Atico Int'l. USA Inc.	Cissel Quinn Bucher*	2(d)	Refusal Affirmed on the basis of all four cited registrations		"SHORELINE" (and design) [sunglasses; footwear, namely, flip-flops and water shoes]	<i>4 cited registrations, the first two, below, owned by a single entity:</i> "SHORELINE" [apparel, namely rainwear]; "SHORELINE" (and design) [t-shirts]; "SHORELINE BOARD SHOP" (and design) [retail store services in the field of sporting equipment]; "SHORELINE" [binoculars and parts therefor]	Miller	No
3-6	EX	76/328,230	Mannington Carpets, Inc.	Simms Cissel Bucher*	2(d)	Refusal Affirmed		"LIFELINES" [resilient vinyl floor coverings]	"LIFELINES" [wallcovering made primarily of plastic]	Boagni	No
3-6	EX	75/748,353	AAA Customer Services, LLC	Simms Bucher* Rogers	whether applicant's mark is registrable on the Supplemental Register	Refusal Affirmed		"EBA" [real estate agency services]		Cross	No
3-6	EX	76/088,062	Angelo Brothers Co.	Bucher* Bottorff Rogers	2(d); Section 6 disclaimer requirement (of the word PLUS)	Refusal Affirmed on both grounds		"ADVANTAGE PLUS" [ceiling fans]	"ADVANTAGE" [electric lighting fixtures]	Verhosek	No

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3-6	EX	76/000,873	Epi- genomics GmbH	Quinn Hairston Chapman*	2(e)(1)	Refusal Reversed		"DIGITAL PHENOTYPE" [diagnostic reagents for scientific purposes, including forensic examination; diagnostic test kits for scientific purposes, including reagents, etc.; diagnostic reagents for medical purposes; medical diagnostic test kits for determining the presence of pathogens in the environment; laboratory equipment, namely, apparatus for testing a sample, for demonstrating the presence of analytical elements in the sample and to determine types of samples in connection with distribution patterns, and apparatus for the production of a series of molecular biological data and parts thereof; providing multiple-user access to the Internet; research and development services for third parties in the field of diagnostic chemicals, forensic methods, <i>etc.</i> ; and <i>other services</i> ]		G. Clark	No

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3-6	EX	76/051,058	Traffic-master, plc	Quinn Hohein* Rogers	2(d)	Refusal Reversed		"TRAFFICMASTER" [electrical and electronic apparatus for providing road traffic information, <i>etc.</i> ; electrical and electronic apparatus and instruments locatable in vehicle interiors for providing visual and oral information relating to road traffic conditions; electronic equipment for monitoring and communicating with individual road vehicles; control centers for processing data and monitoring and communicating with individual road vehicles; providing road traffic information, <i>etc.</i> ]	"TRAFFICMASTER" [portable non-tippable display apparatus for use in displaying warning messages in emergency-type situations in the nature of non-electric signs and metal sign stands]	Cataldo	No
3-6	EX EX	76/012,710 76/055,646	Francine J. Pine	Chapman Bucher (D) Bottorff*	2(d)	Refusal Affirmed in both cases		"TIC-TAC-21" <i>and</i> "TIC TAC POKER" [ <i>both marks for</i> gaming equipment, namely, gaming, gambling or slot machines, with or without video input]	"TIC TAC DISCO" [currency and/or credit operated slot machines and gaming devices, namely, gaming machines]	Mayer-schoff	No
3-7	EX	78/039,367	Moen Inc.	Simms Hairston* Bucher	2(e)(4)	Refusal Affirmed		"HAWTHORNE" [bath accessories, namely, towel bars, towel rings, robe hooks, toothbrush holders, toilet tissue holders, soap dishes and cup holders]		Berk	No

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